

# Commercializing Intellectual Property in Universities

Olivier Charbonneau

Librarian, Concordia University

[o.charbonneau@concordia.ca](mailto:o.charbonneau@concordia.ca)

[www.culturelibre.ca](http://www.culturelibre.ca)

# Why is IP important?

- ✿ Money
  - ✿ Control
  - ✿ Ownership
  - ✿ Respect
  - ✿ Access to information
  - ✿ Financing
  - ✿ ...
- ✿ Monopoly
  - ✿ Ethics
  - ✿ Learning
  - ✿ Market
  - ✿ Seeking permission
  - ✿ Creations
  - ✿ ...
- ✿ Collaborating
  - ✿ Knowledge
  - ✿ Helping
  - ✿ Using
  - ✿ Reading
  - ✿ Ideas
  - ✿ Sharing
  - ✿ ...

# Presentation Outline

## ✿ Patents

- ✿ Quick primer
- ✿ Financing
  - ✿ Governments
  - ✿ Private enterprises
- ✿ Ownership and labour relations
- ✿ Not a patent (software, math)

## ✿ Copyright

- ✿ Quick Primer
- ✿ The digital question
- ✿ Open access / tragedy of the commons
- ✿ Fair dealings and seeking permission (chilling effect)
- ✿ Theses Canada

✿ Commerce, the University mission,  
some thoughts for the CFS-GSC

# Other Types of IP

✿ Plant varieties

✿ Trade-mark: a word, symbol or design (or any combination of these features), used to distinguish the wares or services of one person or organization from those of others in the marketplace;

✿ Industrial designs: the visual features of shape, configuration, pattern or ornament (or any combination of these features), applied to a finished article of manufacture;

✿ Integrated circuit topographies refer to the three-dimensional configuration of the electronic circuits embodied in integrated circuit products or layout designs



# Patents - Primer

- ✿ Monopoly on making, using or selling an invention
- ✿ Covers new inventions, or any new and useful improvement of an existing invention
  - ✿ process, machine, manufacture, composition of matter
- ✿ Lasts for 20 years after filing
- ✿ You must disclose your invention in the patent application (alternative is secrecy)
  - ✿ This allows others to innovate, but not use
- ✿ You must file for patent in all countries

# Patents - Financing

## ✿ Governments

- ✿ If gvmnt agencies control allocation of research grants, is that equivalent to telling what researchers can do or not?
- ✿ What of academic freedom?
- ✿ And the social watchdog function of universities?

## ✿ Private Enterprises

- ✿ More and more, researchers are asked to compose with private research grants
- ✿ Will they ask for a stake in the IP?
- ✿ Is this research independent and unbiased?

# Patents - Ownership

- ✿ Research centers with faculty from multiple organizations
- ✿ Who owns the research results ?
  - ✿ Those that have financed the research?
  - ✿ The institution? The Faculty?
  - ✿ Do grads get a stake in the results?
- ✿ Look at:
  - ✿ Faculty union/work contract
  - ✿ Research grant contract (private or public)
  - ✿ In all institutions involved!
- ✿ If a researcher uses private money, will she be able to “give away” the results?

# This is neither a patent, nor ©

- ✿ Some “works of the mind” do not fair well with intellectual property
- ✿ Math is a great example (think formulas)
  - ✿ Facts may not be protected by copyright
  - ✿ Patents cover processes, not ideas
- ✿ Computer software is protected by © but scientists would prefer patents
  - ✿ Better for tenure



# Copyright © - Primer

- ✿ Protection for literary, artistic, dramatic or musical works (including computer programs) as well as performances, sound recordings and communication signals
- ✿ Monopoly on exploitation if in fixed format and original
- ✿ May be assigned
- ✿ All rights reserved, except...
- ✿ 50 years after the death of creator
- ✿ Automatic application in most countries
- ✿ Goal is to protect markets rather than anything else
- ✿ The Internet does not exist in Canada

# © - The Digital Question

- ✿ In 1996, WIPO established 2 “Internet treaties” (WCT, WPPT)
  - ✿ Intense lobbying from rights holders
  - ✿ If you can’t change the laws locally (pesky democracies), go International
- ✿ In Canada, “studying” the issue
  - ✿ But we have yet to change our law
- ✿ Difficulty of rolling out digital classrooms

# © - Open Access

✿ Tragedy of the commons

"That which is common to the greatest number has the least care bestowed upon it"

Aristotle

✿ How many times do you pay for you own work?

✿ Creative Commons

✿ Universities and their libraries are creating "institutional repositories"

[http://en.wikipedia.org/wiki/Tragedy\\_of\\_the\\_commons](http://en.wikipedia.org/wiki/Tragedy_of_the_commons)

# © - Open Access

QuickTime™ et un  
décompresseur TIFF (LZW)  
sont requis pour visionner cette image.

[www.doaj.org](http://www.doaj.org)



# © - Open Access

QuickTime™ et un  
décompresseur TIFF (LZW)  
sont requis pour visionner cette image.

<http://www.sherpa.ac.uk/>



# © - Open Access

QuickTime™ et un  
décompresseur TIFF (LZW)  
sont requis pour visionner cette image.

<http://www.arl.org/sparc/>

# © - Open Access

QuickTime™ et un  
décompresseur TIFF (LZW)  
sont requis pour visionner cette image.

# This presentation is in E-LIS

✿ Open archive of Library & Info Science

✿ <http://eprints.rclis.org/>

QuickTime™ et un  
décompresseur TIFF (LZW)  
sont requis pour visionner cette image.



# © - Fair Dealings

- ✿ Seeking permission
- ✿ Chilling effect

Duke Law >> Center for the Study of the Public Domain  
>> Tales from the Public Domain: BOUND BY LAW?



# © - Theses Canada



<http://www.collectionscanada.ca/thesescanada/>

🌿 Theses Non-Exclusive License from  
Library and Archives Canada

🍀 And the nice people at ProQuest  
Information and Learning



# Commercialization

- ✿ Client university or citizen university?
- ✿ What is your university's mission?
- ✿ Are its policies and practices in line with the mission?
- ✿ What could be your role in addressing this?



# Finding Olivier

QuickTime™ et un  
décompresseur TIFF (LZW)  
sont requis pour visionner cette image.



The background of the slide features a dense arrangement of bright green leaves with serrated edges, overlaid with a pattern of light blue and white concentric circles resembling ripples on water.

**Fin.**

© 2007 Olivier Charbonneau  
o.charbonneau@concordia.ca